

Remarks

The Office Action mailed October 3, 2006 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1, 2, 4-9, 11, 12, 14, 15, and 18-29 are now pending in this application. Claims 1, 2, 4-9, 11, 12, 14, 15, and 18-27 stand rejected. Claims 3, 10, 13, 16, and 17 have been cancelled. Claims 28 and 29 are newly added. No additional fee is due for newly added Claims 28-29.

The rejection of Claims 1, 2, 4-9, 11, 12, 14, 15, and 18-27 under 35 U.S.C. § 103(a) as being unpatentable over Stevenson (U.S. Patent 6,737,570) in view of Eghtesadi (U.S. Patent 5,982,904) (hereinafter referred to as “Eghtesadi”) is respectfully traversed.

Stevenson describes a battery powered personal audio device having touch operators. The personal audio device may play back audio files such as compact disc or digital audio stream. The user may interject sounds or audio effects onto the ongoing playback of the audio by operating one or more touch operators. Additionally, the operator may interject the users voice into the playback via a microphone integrally formed into the personal audio device. The playback of the audio is then transmitted to headphones.

Notably, in contrast to the assertion on page 2 of the Office Action that Stevenson describes “a user interface...configured to control the output signal of said processing unit by altering the amplification of at least one of the first and second input signals”, Applicants respectfully submit that Stevenson does not describe or suggest such a limitation. Rather, Stevenson describes generating sounds developed in response to operator inputs that may be mixed with the output from a digital-to-analog converter. The Office Action submits that this is commonly known as audio mixing; however, the present invention does not merely claim audio mixing. Rather, the present invention describes *altering* input signals that are mixed to create an output signal. Stevenson merely describes combining two signals, and the invention of Stevenson does not enable a user to combine and *alter* the signals to generate an output. The present invention claims that a processed signal and at least one of a first signal

and a second signal may be *altered*. Stevenson never describes or suggests that the digital audio source may be altered. Rather, Stevenson only describes generating a sound that is mixed with the digital audio source. Moreover, Stevenson does not describe or suggest a *processed signal* and, therefore, cannot describe or suggest altering the processed signal.

In addition, Stevenson does not describe or suggest the newly added limitation of removing at least one the first signal, the second signal, and the processed signal from the output signal. Rather, in contrast to the present invention, Stevenson merely describes combining two signals to create an output signal. The claimed invention enables a user to remove any one or more of the signals, such that the output signal is limited to the signals that are not removed. In contrast, Stevenson does not describe or suggest enabling a user to remove any of the inputs from the output signal.

Moreover, Stevenson, does not describe or suggest a device that includes a microphone pre-amplifier. As such, Stevenson cannot describe or suggest a device, wherein the device or least one component of the device is power by a microphone pre-amplifier.

Eghtesadi describes a wireless headset that includes a microphone for receiving a first audio signal and for generating a corresponding microphone electrical signal. A portable receiver/transmitter is electrically connected to the microphone for transmitting a first carrier frequency modulated according to the microphone's electrical signal. A remote receiver/transmitter is provided for receiving and demodulating the modulated first carrier frequency to generate a first electrical signal corresponding to the microphone electrical signal. The remote receiver/transmitter also transmits a second carrier frequency modulated according to a second electrical signal. The portable receiver/transmitter also receives and demodulates the second modulated carrier frequency to generate a speaker electrical signal. A speaker is electrically connected to the portable receiver/transmitter for transforming the speaker's electrical signal into a second audio signal, wherein one of the first and second carrier frequencies is above 900 Megahertz and the other of the first and second carrier frequencies is below 900 Megahertz.

Notably, Eghtesadi does not describe or suggest *altering* an input signal. In particular, Eghtesadi does not describe or suggest *altering* a processed signal as is claimed in the present invention. Rather, Eghtesadi merely describes a processor that transmits a signal to a remote receiver, such that the signal can be processed and transmitted back to processor.

Moreover, Eghtesadi, does not describe or suggest a device that includes a microphone pre-amplifier. As such, Eghtesadi cannot describe or suggest a device, wherein the device or least one component of the device is power by a microphone pre-amplifier.

Claim 1 an apparatus comprising “a headset comprising a microphone and a headphone . . . a music generation device . . . a processing unit contained in a single housing, said processing unit electrically coupled with said headset and said music generation device for receiving a first input signal from said microphone and a second input signal from said music generation device, said processing unit comprising a transmitter for transmitting said first input signal to a remote receiver to be processed and an input to couple to a receiver for receiving a processed signal from the remote receiver, said processing unit configured to amplify and add an intended effect to at least one of the first input signal, the second input signal, and the processed signal to generate an output signal, wherein the output signal is transmitted to said headphone to enable a user to hear the output . . . a user input interface coupled to said housing of said processing unit, said user interface configured to control the output signal of said processing unit by at least one of altering the amplification of the processed signal and at least one of the first input signal, the second input signal, and the processed signal and removing at least one of the first input signal, the second input signal, and the processed signal from the output signal.”

Neither Stevenson nor Eghtesadi, consider alone or in combination, describe or suggest an apparatus as is recited in Claim 1. More specifically, neither Stevenson nor Eghtesadi, consider alone or in combination, describe or suggest a user interface configured to control the output signal of a processing unit by at least one of altering the amplification of a processed signal and at least one of a first input signal and a second input signal and removing at least one of the first input signal, the second input signal, and the processed signal from the output signal.

Rather, Stevenson merely describes combining a first signal and a second signal to generate an output signal, but does not describe a device configured to alter any of the input signals and/or remove any of the input signals from the output signal. Specifically, Stevenson does not describe or suggest a device that can alter and/or remove any one of a first input signal, a second input signal, and a processed signal. Moreover, Stevenson does not describe or suggest a processed signal and, therefore cannot describe or suggest altering and/or removing a processed signal. In addition, Eghtesadi merely describes a processor that transmits a signal to a remote receiver, such that the signal can be processed and transmitted back to processor, but does not describe or suggest a device that can alter and/or remove the processed signal. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Stevenson in view of Eghtesadi.

Claims 2, 4-7, 23, 28, and 29 depend from independent Claim 1. When the recitations of Claims 2, 4-7, 23, 28, and 29 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2, 4-7, 23, 28, and 29 likewise are patentable over Stevenson in view of Eghtesadi.

Moreover, Claim 4 recites a “portable apparatus according to Claim 1, wherein said processing unit further comprises at least one of a microphone pre-amplifier”

Neither Stevenson nor Eghtesadi describe or suggest a portable apparatus that includes a microphone pre-amplifier. Accordingly, Claim 4 is submitted to be patentable over Stevenson in view of Eghtesadi.

In addition, Claim 28 recites a “portable apparatus according to Claim 4 wherein said microphone pre-amplifier is configured to power at least one component of said portable apparatus”; and Claim 29 recites a “portable apparatus according to Claim 4 wherein said microphone pre-amplifier is configured to power said portable apparatus.”

Neither Stevenson nor Eghtesadi describe or suggest a portable apparatus that includes a microphone pre-amplifier that powers the portable apparatus or at least one component of the portable apparatus. Accordingly, Claims 28 and 29 are submitted to be patentable over Stevenson in view of Eghtesadi.

Claim 8 recites a method for mixing and controlling sound, wherein the method comprises “transmitting a first input signal from a headset to a processing unit . . . communicating a second input signal from a portable music generating device to the processing unit . . . transmitting the first input signal from the processing unit to a remote receiver to be processed . . . receiving at the processing unit a processed signal from the remote receiver . . . processing at the processing unit at least one of the first input signal, the second input signal, and the processed signal for generating an output signal . . . controlling the output signal of said processing unit by at least one of altering the amplification of the processed signal and at least one of the first input signal and the second input signal and removing at least one of the first input signal, the second input signal, and the processed signal from the output signal . . . transmitting the output signal to the headset.”

Claim 8, as herein amended, recites a method for performing steps essentially similar to those carried out by the portable apparatus recited in Claim 1. Specifically, Claim 8 recites the step of “controlling the output signal of said processing unit by at least one of altering the amplification of at least one of the first input signal, the second input signal, and the processed signal and removing at least one of the first input signal, the second input signal, and the processed signal from the output signal.” Thus, it is submitted that Claim 8 is patentable over Stevenson in view of Eghtesadi for reasons that correspond to those given with respect to Claim 1.

Claims 9, 11, 12, 24, and 25 depend from independent Claim 8. When the recitations of Claims 9, 11, 12, 24, and 25 are considered in combination with the recitations of Claim 8, Applicants submit that dependent Claims 9, 11, 12, 24, and 25 likewise are patentable over Stevenson in view of Eghtesadi.

Claim 14 recites a sound system comprising “a sound board for receiving, processing, and transmitting sound . . . a portable studio system configured to communicate with said sound board, said portable studio system comprising . . . a headset comprising a headphone and a microphone configured to transmit a first input signal from a user’s voice . . . a music generation device configured to communicate a second input signal . . . a processing unit contained in a single housing, said processing unit electrically coupled with said headset and

said music generation device for receiving said first and second input signals, said processing unit comprising a transmitter for transmitting said first input signal to said sound board to be processed and an input to couple to a receiver for receiving a processed signal from the sound board, said processing unit configured to amplify and add an intended effect to at least one of the first input signal, the second input signal, and the processed signal to generate an output signal, wherein the output signal is transmitted to said headphone . . . a user input interface coupled to said housing of said processing unit, said user interface configured to control the output signal of said processing unit by at least one of altering the amplification of the processed signal and at least one of the first input signal and the second input signal and removing at least one of the first input signal, the second input signal, and the processed signal from the output signal.”

Claim 14, as herein amended, recites a sound system that performs steps essentially similar to those recited in Claim 1. Specifically, Claim 14 recites a sound system that includes a user interface “configured to control the output signal of said processing unit by at least one of altering the amplification of at least one of the first input signal, the second input signal, and the processed signal and removing at least one of the first input signal, the second input signal, and the processed signal from the output signal.” Thus, it is submitted that Claim 14 is patentable over Stevenson in view of Eghtesadi for reasons that correspond to those given with respect to Claim 1.

Claims 15, 18, 22, 26 and 27 depend from independent Claim 14. When the recitations of Claims 15, 18, 22, 26 and 27 are considered in combination with the recitations of Claim 14, Applicants submit that dependent Claims 15, 18, 22, 26 and 27 likewise are patentable over Stevenson in view of Eghtesadi.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1, 2, 4-9, 11, 12, 14, 15, and 18-27 be withdrawn.

The rejection of Claims 1, 2, 4-9, 11, 12, 14, 15, and 18-27 under 35 U.S.C. § 103(a) as being unpatentable over Ng (U.S. Patent 6,328,570) in view of Eghtesadi is respectfully traversed.

Eghtesadi is described hereinabove. Ng describes a portable, programmable karaoke unit configured to store and retrieve data in compressed digital data format from an internal memory or a removable storage medium. The unit is operable by remote control and transmits audio data over radio frequencies. The unit may display visual data on an internal or external display. Data can be downloaded for storage from external sources such as a digital system or the Internet. The karaoke unit includes several input ports and several output ports. For example, the unit includes an audio output port 140, a headphone output port 142, two microphone input ports 144, a video output port 146, a video input port 150, and a power port 155.

Notably, Ng does not describe or suggest altering a processed signal. Specifically, Ng does not describe or suggest a processed signal and, therefore, cannot describe or suggest altering a processed signal.

In addition, Ng does not describe or suggest the newly added limitation of removing at least one the first signal, the second signal, and the processed signal. Rather, in contrast to the present invention, Ng merely describes combining two signals to create an output. The claimed invention enables a user to remove any one or more of the signals from the output signal, such that the output is limited to the signals that are not removed. In contrast, Ng does not describe or suggest enabling a user to remove any of the inputs from the output signal.

Moreover, Ng does not describe or suggest a device that includes a microphone pre-amplifier. As such, Ng cannot describe or suggest a device, wherein the device or least one component of the device is powered by a microphone pre-amplifier.

Claim 1 is recited hereinabove.

Neither Ng nor Eghtesadi, consider alone or in combination, describe or suggest an apparatus as is recited in Claim 1. More specifically, neither Ng nor Eghtesadi, consider alone or in combination, describe or suggest a user interface configured to control the output signal of a processing unit by at least one of altering the amplification of a processed signal and at least one of a first input signal and a second input signal and removing at least one of the first input signal, the second input signal, and the processed signal from the output signal.

Rather, Ng merely describes controlling a first signal that is combined with a second signal to generate an output signal, but does not describe a device configured to alter a processed signal and/or remove any of the input signals from the output signal. Specifically, Ng does not describe or suggest a device that can alter a processed signal and/or remove any one of a first input signal, a second input signal, and a processed signal. Moreover, Ng does not describe or suggest a processed signal and, therefore cannot describe or suggest altering and/or removing a processed signal. In addition, Eghtesadi merely describes a processor that transmits a signal to a remote receiver, such that the signal can be processed and transmitted back to processor, but does not describe or suggest a device that can alter and/or remove the processed signal. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Ng in view of Eghtesadi.

Claims 2, 4-7, 23, 28, and 29 depend from independent Claim 1. When the recitations of Claims 2, 4-7, 23, 28, and 29 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2, 4-7, 23, 28, and 29 likewise are patentable over Ng in view of Eghtesadi.

Moreover, Claim 4 recites a “portable apparatus according to Claim 1, wherein said processing unit further comprises at least one of a microphone pre-amplifier”

Neither Ng nor Eghtesadi describe or suggest a portable apparatus that includes a microphone pre-amplifier. Accordingly, Claim 4 is submitted to be patentable over Ng in view of Eghtesadi.

In addition, Claim 28 recites a “portable apparatus according to Claim 4 wherein said microphone pre-amplifier is configured to power at least one component of said portable apparatus”; and Claim 29 recites a “portable apparatus according to Claim 4 wherein said microphone pre-amplifier is configured to power said portable apparatus.”

Neither Ng nor Eghtesadi describe or suggest a portable apparatus that includes a microphone pre-amplifier that powers the portable apparatus or at least one component of the portable apparatus. Accordingly, Claims 28 and 29 are submitted to be patentable over Ng in view of Eghtesadi.

Claim 8 is recited hereinabove.

Claim 8, as herein amended, recites a method for performing steps essentially similar to those carried out by the portable apparatus recited in Claim 1. Specifically, Claim 8 recites the step of “controlling the output signal of said processing unit by at least one of altering the amplification of at least one of the first input signal, the second input signal, and the processed signal and removing at least one of the first input signal, the second input signal, and the processed signal from the output signal.” Thus, it is submitted that Claim 8 is patentable over Ng in view of Eghtesadi for reasons that correspond to those given with respect to Claim 1.

Claims 9, 11, 12, 24, and 25 depend from independent Claim 8. When the recitations of Claims 9, 11, 12, 24, and 25 are considered in combination with the recitations of Claim 8, Applicants submit that dependent Claims 9, 11, 12, 24, and 25 likewise are patentable over Ng in view of Eghtesadi.

Claim 14 is recited hereinabove.

Claim 14, as herein amended, recites a sound system that performs steps essentially similar to those recited in Claim 1. Specifically, Claim 14 recites a sound system that includes a user interface “configured to control the output signal of said processing unit by at least one of altering the amplification of at least one of the first input signal, the second input signal, and the processed signal and removing at least one of the first input signal, the second input signal, and the processed signal from the output signal.” Thus, it is submitted that Claim 14 is patentable over Ng in view of Eghtesadi for reasons that correspond to those given with respect to Claim 1.

Claims 15, 18, 22, 26 and 27 depend from independent Claim 14. When the recitations of Claims 15, 18, 22, 26 and 27 are considered in combination with the recitations of Claim 14, Applicants submit that dependent Claims 15, 18, 22, 26 and 27 likewise are patentable over Ng in view of Eghtesadi.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1, 2, 4-9, 11, 12, 14, 15, and 18-27 be withdrawn.

Moreover, Applicants respectfully submit that the Section 103 rejections of the presently pending claims are not proper rejections. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. None of Stevenson, Ng, or Eghtesadi, considered alone or in combination, describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine any of Stevenson, Ng, or Eghtesadi because there is no motivation to combine the references suggested in the art. Additionally, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicants' own teaching.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant's disclosure. In re Vaeck, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected in an attempt to arrive at the claimed invention. Since there is no teaching nor suggestion in the cited art for the combination, the

Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for these reasons, along with the reasons given above, Applicants request that the Section 103 rejections of the Claims be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Robert B. Reeser III', written over a horizontal line.

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